

FORM PTO-1390 (Modified)  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

487.1095

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

To be assigned **10/511054**

INTERNATIONAL APPLICATION NO.

**PCT/DE03/01214**

INTERNATIONAL FILING DATE

**April 11, 2003**

PRIORITY DATE CLAIMED

**April 12, 2002**

TITLE OF INVENTION

**FOLDING TOP FOR A CABRIOLET VEHICLE**

APPLICANT(S) FOR DO/EO/US

**Klaus OBENDIEK**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 382 791 479 US**
23. ☒ Other items or information:

**Letter re. priority; Application Data Sheet**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) <b>10/25/11054</b> <b>To be assigned</b>	INTERNATIONAL APPLICATION NO. <b>PCT/DE03/01214</b>	ATTORNEY'S DOCKET NUMBER <b>487.1095</b>
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24. The following fees are submitted.: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1080.00</b> <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>  <div style="border: 1px solid black; height: 100px; width: 100%;"></div>																																																																											
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				<b>\$950.00</b>																																																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 10%;">RATE</th> <th style="width: 15%;"></th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>36 - 20 =</td> <td>16</td> <td>x \$18.00</td> <td></td> <td><b>\$288.00</b></td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>x \$86.00</td> <td></td> <td><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="padding: 5px;">Multiple Dependent Claims (check if applicable). <input type="checkbox"/></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right; padding: 5px;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$1,238.00</b></td> </tr> <tr> <td colspan="5" style="padding: 5px;"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right; padding: 5px;"><b>SUBTOTAL =</b></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$1,238.00</b></td> </tr> <tr> <td colspan="4" style="padding: 5px;">Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30</td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>+</b></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right; padding: 5px;"><b>TOTAL NATIONAL FEE =</b></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$1,238.00</b></td> </tr> <tr> <td colspan="4" style="padding: 5px;">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$0.00</b></td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right; padding: 5px;"><b>TOTAL FEES ENCLOSED =</b></td> <td style="text-align: center; vertical-align: top; padding: 5px;"><b>\$1,238.00</b></td> </tr> <tr> <td colspan="5" style="padding: 5px;"></td> <td style="text-align: center; vertical-align: top; padding: 5px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>Amount to be refunded</b></td> <td style="width: 50%; text-align: center;">\$</td> </tr> <tr> <td><b>charged</b></td> <td style="text-align: center;">\$</td> </tr> </table> </td> </tr> </tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	36 - 20 =	16	x \$18.00		<b>\$288.00</b>	Independent claims	3 - 3 =	0	x \$86.00		<b>\$0.00</b>	Multiple Dependent Claims (check if applicable). <input type="checkbox"/>					<b>\$0.00</b>	<b>TOTAL OF ABOVE CALCULATIONS =</b>					<b>\$1,238.00</b>	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					<b>\$0.00</b>	<b>SUBTOTAL =</b>					<b>\$1,238.00</b>	Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				<b>+</b>	<b>\$0.00</b>	<b>TOTAL NATIONAL FEE =</b>					<b>\$1,238.00</b>	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>		<b>TOTAL FEES ENCLOSED =</b>					<b>\$1,238.00</b>						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>Amount to be refunded</b></td> <td style="width: 50%; text-align: center;">\$</td> </tr> <tr> <td><b>charged</b></td> <td style="text-align: center;">\$</td> </tr> </table>	<b>Amount to be refunded</b>	\$	<b>charged</b>	\$
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- a. ☒ A check in the amount of **\$1,238.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **50-0552**
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**DAVIDSON, DAVIDSON & KAPPEL, LLC**  
 485 Seventh Avenue, 14th Floor  
 New York, NY 10018  
 (212) 736-1940

SIGNATURE

**Cary S. Kappel**

NAME

**36,561**

REGISTRATION NUMBER

**October 12, 2004**

DATE

10/511054

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DT04 Rec'd PCT/PTO 12 OCT 2004


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Date



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Mark McLean

Typed or printed name of person signing Certificate

EV 382 791 479 US

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Re.: Docket No.: 487.1095  
Applicant(s): Klaus OBENDIEK  
Serial No.: To be assigned  
Invention: FOLDING TOP FOR A CABRIOLET VEHICLE  
Filing Date: Herewith

- Transmittal Letter to the U.S. Designated/Elected Office Concerning a Filing Under 35 U.S.C 371 (2 pages);
- Copy of Int. Patent Application PCT/DE03/01214 w/ Int. Search Report (74 pages);
- Translation of Int. Patent Application PCT/DE03/01214 (28 pages);
- Thirty-six (36) Sheets of Formal Drawings;
- Preliminary Amendment (11 pages);
- Unexecuted Declaration and PoA (1 page);
- Application Data Sheet (2 pages);
- Letter re: Priority (1 page);
- Information Disclosure Statement with PTO-1449 (3 pages) and copies of cited references;
- Check for \$1,238.00;
- Return Receipt Postcard

This collection of information is required by 37 CFR 1.10. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.